

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the
Southern District of NEW
York Division

Luis Jaime

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with full list of names.)

-v-

New York State Officers

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

(to be filled in by the Clerk's Office)

RECEIVED
 CIVIL RIGHTS DIVISION
 JAN 11 2024

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birthdate; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Luis Jaime

All other names by which
you have been known:

ID Number

22B4805

Current Institution

Sumner Correctional Facility

Address

P.O. Box 116

Fallsburg

New York

12733-0116

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

N/A

Job or Title (*if known*)

State officers / Courts

Shield Number

N/A

Employer

N/A yes

Address

Manhattan Courts

NY

City

NY

State

N/A

Zip Code

☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name

N/A

Job or Title (*if known*)

State Officer / Lieutenant

Shield Number

N/A

Employer

N/A yes

Address

Manhattan Courts

NY

City

NY

State

N/A

Zip Code

☒ Individual capacity ☒ Official capacity

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Defendant No. 3

Name
Job or Title (if known)
Shield Number
Employer
Address

N/A
STATE officers / courts
N/A
N/A
yes MANHATTEN courts
NY NY N/A
City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name
Job or Title (if known)
Shield Number
Employer
Address

N/A
STATE officers / courts
N/A
N/A
yes MANHATTEN courts
NY NY N/A
City State Zip Code
☒ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. §1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a §1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. §1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violate by state or local officials?

Cruel and Unusual punishment, Denying me medical Attention, and Excessive force.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

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N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. §1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

ON September 30 2023 i fell down the steps of MANHATTEN courts AS i was cuffed behind my back. I told state officers i cant get up i need medical Attention. AND OFFICERS / State OFFICERS Dragged me inside the bull pens. I sustain injuries to my ankle and back.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (explain) _____

IV. Statement of claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

I Luis Jaime fell on a flight of steps, in MANHATTEN courts. After my last court appearance on September 30 2023.

C. What date and approximate time did the events giving rise to your claim(s) occur?

September 30 2008 time N/A but when i finish
my court date, after seeing Judge.

D. What are the facts underlying your claim(s)? (For example: what happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Corrections Officers watched me fall down
the steps, i Luis Jaime was on the floor for an
hour. New State Court officers watched me on the
floor begin for medical Attention to call EMS,
while State officer told me they got the call from
NYC Corrections higher ups to drag me inside the
holding cells.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I Luis Jaime Sustained injuries to my Right Ankle and
my lower back. I went to medical in Greenhaven where
i was given pain medication, and was told by nurses
i was scheduled for an X-RAY. I was not given
more pain medicine and was not seen for any X-RAY
or any follow ups.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes.
If requesting money damages, included the amounts of any damages and/or punitive damages claimed for the acts
alleged. Explain the basis for these claims.

\$ 100,000 for Damages
\$ 100,000 for punitive Damages
\$ 100,000 for pain and Suffering.
\$ 300,000 - Total

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VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. §1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or other Federal law, by a prisoner confined in any jail, prison or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievances procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N/A

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

For all of these incidents

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D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

☐ Do not know

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

Green haven Corrections facility.

2. What did you claim in your grievance?

Excessive force, denying medical treatment.

3. What was the result, if any?

NO Response

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

N/A

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F. If you did file a grievance:

1. If there are any reasons why you did not file a grievance, stat them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their responses, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Grievance

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county and state)

3. Docket or index number

4. Name or judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?) N/A

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment? N/A

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☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and state)

3. Docket or index number

4. Name or judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Federal Rules of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

December 27, 2023

Signature of Plaintiff

Luis Jaime

Printed Name of Plaintiff

Luis Jaime

Prison Identification #

22B4805

Prison Address

P.O. BOX 116

Fallsburg

City

New York

State

12733-0116

Zip Code

B. For Attorneys

Date of signing:

N/A

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Prison Address

City

State

Zip Code

Telephone Number

E-mail Address

SULLIVAN CORRECTIONAL FACIL
P.O. BOX 116
FALLSBURG, NEW YORK 12733-0116

NAME: Luis Jaime DIN:

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